

REMARKS

Favorable reconsideration of this application, in light of the preceding amendments and following remarks, is respectfully requested.

Claims 1, 2, 4-6, 14-16, 18-20, 28-30, 32-34, 42, 57, 58, 60-62 and 70 are pending in this application. Claims 1, 2, 4-6, 14-16, 18-20, 28-30, 32-34, 42, 57, 58, 60-62 and 70 are amended. Claims 3, 7-13, 17, 21-27, 31, 35-41, 43-56, 59 and 63-69 are cancelled.

Applicants acknowledge with appreciation the Examiner's indication that the drawings filed January 23, 2004 have been accepted by the United States Patent and Trademark Office (USPTO) and that the references included in the information disclosure statement filed February 7, 2007 have been acknowledged as considered.

Priority

Applicants thank the Examiner for acknowledging the "claim for foreign priority based on an application filed in Korea on 23 January 2003," and noting "that applicant has not filed a certified copy of the 10-2003-0004488 application as required by 35 U.S.C. 119(b)."

Applicants are in the process of obtaining a certified copy for both of the following Korean priority documents:

KR 10-2003-0004488 filed January 23, 2003; and
KR 10-2003-0008317 filed February 10, 2003.

A certified copy for each of the above-identified applications will be filed in due course. Further, Applicants note that a certified English-language translation of each of the above-documents will also be filed shortly to perfect priority.

Claim Rejections under 35 U.S.C. § 103

Claims 1-67 stand rejected under 35 U.S.C. § 103 as unpatentable over Murakami et al. (European Patent Publication Number EP 0997899, herein Murakami) in view of Ma et al. (U.S. Publication Number 2004/0151091, herein Ma). Applicants respectfully traverse this rejection.

Initially, Applicants respectfully note that amended independent claim 1 recites, *inter alia*, "said control information being encoded in wobbled pattern, wherein said control information is recorded by bi-phase modulation method in such a manner that bit 0 and bit 1 are determined respectively depending on a transition in a direction within a predetermined period." Independent claims 15, 29, and 57 recite somewhat similar features. Applicants respectfully submit that at least the above-emphasized features of the independent claim 1 and the somewhat similar features of independent claims 15, 29 and 57 distinguish over the references for the reasons detailed below.

On page 3, lines 11-13 of the Office Action mailed April 11, 2007, the Examiner acknowledges that Marakami fails to disclose "that the optional information and/or said information identifying the presence or absence of said optional information is **encoded in wobbled pits**." Accordingly, Marakami fails to disclose teach or suggest all the features of the amended independent claims.

The Examiner relies on Ma to teach the features discussed above that are not taught in Marakami. However, the filing date of Ma is November 14, 2003, whereas this application claims priority of KR 10-2003-0004488 filed January 23, 2003 and KR 10-2003-0008317 filed February 10, 2003, which each have a filing date prior to November 14, 2003. Accordingly, Applicants are in the process of perfecting the priority of this application, which removes Ma as a valid prior art reference.

Therefore, Applicants respectfully request that the rejection of claims 1-67 under 35 U.S.C. § 103(a) based on a combination of Murakami and Ma be withdrawn.

Claim Rejections under 35 U.S.C. § 112

Claims 57-70 stand rejected under 35 U.S.C. § 112, second paragraph as indefinite. In particular, the Examiner asserts “[c]laims 57-70 are drawn to an apparatus for reproducing data from a recording medium, however the claims do not include any structural limitation of the apparatus and it is therefore unclear as to what applicant intends to claim.” Applicants respectfully traverse this rejection as detailed below.

Applicants respectfully note that the apparatus recited in amended independent claim 57 recites a signal detector and a signal processor and thus, provides sufficient structure to overcome the clarity rejection mentioned above.

Therefore, Applicants respectfully request the rejection under 35 U.S.C. § 112, second paragraph be withdrawn.

CONCLUSION

Accordingly, in view of the above amendments and remarks, reconsideration of the objections and rejections and allowance of each of the pending claims of this application is earnestly solicited.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicant(s) hereby petition(s) for a one (1) month extension of time for filing a reply to the outstanding Office Action and submit the required \$120 extension fee herewith.


Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Terry L. Clark at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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By

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